

**REMARKS**

An excess claim fee is attached hereto to cover the cost of the claims added by this Amendment.

Claims 1-18 are all the claims presently pending in the application. Claims 1-7 have been amended to more particularly define the invention and claims 8-18 have been added. Claims 1, 5, <sup>12</sup>~~8~~ and 18 are independent.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "**Version with markings to show changes made.**" These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, that Applicant's intent is to encompass equivalents of all claim elements.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Harada, et al. (U.S. Patent No. 5,721,583). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harada, et al., in view of Muta (U.S. Patent No. 6,286,003). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harada, et al., in view of Ward, et al. (U.S. Patent No. 5,754,121). Claims 3-4 and 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harada, et al., in view of Ward, et al., as applied to claim 5, and further in view of Derzay, et al. (U.S. Patent No. 6,434,572).

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

The claimed invention is directed to a method of analyzing data in a center. The data is obtained from an instrument measuring an object in a user system and is sent through a communication network to the center. The method includes accessing directly through the communication network to the center from the instrument, sending measured data together with a required information from the instrument to the center, judging whether the measured data is simple based upon a predetermined standard, analyzing the measured data in the center to generate an analysis result if the measured data is simple, and sending the analysis result from the center to the terminal unit.

Conventional analyzing systems and methods include an instrument belonging to a user system which sends data to an analyzing center which analyzes the data and sends the results back to a user system. The user system accesses the analyzing center through communication networks by a communication terminal and sends the measured data obtained by an instrument belonging to the user system. However, these conventional systems have not included any countermeasures in the case that the measured data cannot be analyzed by the analyzer. Additionally, there is no way of quickly making amendments if an incorrect result is obtained.

The present invention overcomes these problems by judging whether the measured data is simple based upon a predetermined standard. This judgment determines whether or not the analyzer will be able to properly analyze the measured data. If the measured data is not simple, then the user and/or a professional may be notified.

## II. THE PRIOR ART REJECTIONS

### A. The Harada et al. reference

Regarding the rejection of claim 1, the Examiner alleges that the Harada et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by these references.

The Harada et al. reference does not teach or suggest judging whether measured data is simple based upon a predetermined standard as recited by independent claim 1.

Rather, the Harada et al. reference discloses an interactive television system for implementing electronic polling or providing user-requested services. The system includes a center apparatus 101, a terminal apparatus 102, a display apparatus 103 and a remote control apparatus 104. Terminal apparatus 102 is capable of bidirectional communication with a central computer 101 and is linked with the remote control 104. The terminal apparatus 102 is capable of receiving a response from the remote control 104, transmitting the response to the center apparatus 101 where the center analyzes the response, and receiving the results of the analysis (Abstract). The Harada et al. reference does not teach or suggest judging whether measured data is simple based upon a predetermined standard as recited by independent claim 1.

By contrast, the present invention is capable of judging whether measured data is simple based upon a predetermined standard. This enables the present invention to determine whether an analysis is capable of being performed and provides the ability to request assistance before attempting to process the measured data.

Clearly, the Harada et al. reference does not teach or suggest judging whether measured

data is simple based upon a predetermined standard.

Therefore, contrary to the allegations of the Examiner, the Harada et al. reference does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 1.

**B. The Harada et al. reference in view of the Muta reference**

Regarding the rejection of claim 2, the Examiner alleges that the Muta reference would have been combined with the Harada et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Harada et al. reference is directed to an improved interactive television system whereby each user can employ a remote control apparatus to request specific services or to participate in electronic polling (col. 1, lines 12-15).

In stark contrast, the Muta reference is specifically directed to a method for controlling a graphical user interface (GUI) screen at a remotely controlled machine on a network (col. 1, lines 8-11). In particular, the Muta reference is concerned with the problems of installing remote controlling software in advance on both the server and the remote location by obviating the need for such remote controlling software. Applicant respectfully submits that one of ordinary skill in the art would not have modified the interactive television system disclosed by the Harada et al.

reference based upon the disclosure of the system that enables remote control of a GUI screen at a server from a remote location of the Muta reference because the Harada et al. reference does not have anything to do with control of a GUI screen of a server from a remote location. Indeed, the Harada et al. reference does not teach or suggest anything about how a server may be controlled, let alone control of a server from a remote location or a GUI of a server from a remote location. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

The Examiner merely states that it would have been obvious to “include the teachings of Muta (sic) Internet and HTML page techniques in the Harada system in order to employ the latest World Wide Web technology for providing better and efficient remote communication service between the user instrument and the server machine.” However, this allegation ignores the fact that the Harada et al. reference is directed to an interactive digital cable television (CATV) system. The Examiner appears to be suggesting that it would have been obvious to substitute the Internet for the digital cable. Clearly, such a modification is completely contrary to the intended purpose of the Harada et al. CATV system. The Harada et al. reference is concerned with improving the method of polling and providing services in a CATV system. Replacing, the CATV system with the Internet would be completely contrary to this intended purpose.

Moreover, even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and

every element of the claimed invention. The Muta reference, like the Harada et al. reference, does not teach or suggest judging whether measured data is simple based upon a predetermined standard as recited in claim 1 from which claim 2 depends. As noted above, the claimed invention is capable of providing countermeasures in the case where such measured data is not simple. The conventional analyzing systems are incapable of handling the situation where the measured data is not simple and, as a result, an proper result from an analysis is not capable of being achieved. By contrast, the present invention determines whether the measured data is simple and is thereby capable of providing additional resources or alternative means of dealing with complex measured data (such as by asking for assistance from a staff member at the analyzing center).

Clearly, other novel features of the present invention are also not taught or suggested by the Muta reference. Indeed, the Muta reference is completely unrelated to the claimed invention. The Muta reference is only concerned with obviating the need to install remote control software on both a server and a remote client to control the GUI screen on the server from the remote client. Clearly, the Muta reference is not at all concerned with ensuring proper analysis of data received from an instrument at a user.

The applied references do not teach or suggest judging whether measured data is simple based upon a predetermined standard as recited by independent claim 1 from which claim 2 depends. Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 2.

**C. The Harada et al. reference in view of the Ward et al. reference**

Regarding the rejection of claim 5, the Examiner alleges that the Ward et al. reference would have been combined with the Harada et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

As explained above, the Harada et al. reference is directed to an improved interactive television system whereby each user can employ a remote control apparatus to request specific services or to participate in electronic polling (col. 1, lines 12-15).

In contrast, the Ward et al. reference is specifically directed to a joint monitor for controlling and facilitating a rehabilitation process through two-way remote communication with a medical facility (col. 1, lines 4-8). In particular the Ward et al. reference is directed to a joint monitor which is easily re-adjustable for motion precaution and alarming purposes and further capable of high accuracy measure of motion of various body joints (col. 3, lines 2-5).

Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify the interactive television system disclosed by the Harada et al. reference based upon the joint monitor disclosed in the Ward et al. reference because the Harada et al. reference has absolutely nothing to do with joint monitors, let alone joint monitors which require two-way communication with a medical facility. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in

the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references. Rather, the Examiner merely states that it would have been obvious “in order to make the interaction between the user instrument and the server machine more flexible and practically bi-directional.” However, this allegation simply ignores the fact that the interactive television system is already bi-directional and flexible. Therefore, one of ordinary skill in the art would not have been motivated to modify the interactive television system disclose by the Harada et al. reference based upon the joint monitor system disclosed in the Ward et al. reference.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention. The Ward et al. reference, like the Harada et al. reference, does not teach or suggest judging whether measured data is simple based upon a predetermined standard as recited in claim 5.

As noted above, the claimed invention is capable of providing countermeasures in the case where such measured data is not simple. The conventional analyzing systems are incapable of handling the situation where the measured data is not simple and, as a result, a proper result from an analysis is not capable of being achieved. By contrast, the present invention determines whether the measured data is simple and is thereby capable of providing additional resources or alternative means of dealing with the complex measured data (such as by asking for assistance from a staff member at the analyzing center).

Clearly, these novel features are not taught or suggested by the Ward et al. reference.



Indeed, the Ward et al. reference is completely unrelated to the claimed invention.

Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 5.

**D. The Harada et al. reference in view of the Ward et al. reference and the Harada et al. reference and the Ward et al. reference in further view of the Derzay et al. reference**

Regarding the rejection of claims 3-4 and 6-7, the Examiner alleges that the Ward et al. reference would have been combined with the Harada et al. reference and that the Derzay et al. reference would have been combined with the Harada et al. reference and the Ward et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Firstly, Applicant notes that the Examiner has clearly stretched the bounds of reasonableness by alleging that one of ordinary skill in the art would have been motivated to combine three (3) separate and unrelated references with each other. Applicant submits that it is clearly unreasonable to allege obviousness based upon a combination of three (3) references.

Secondly, as explained above, the Harada et al. reference is directed to an improved interactive television system whereby each user can employ a remote control apparatus to request specific services or to participate in electronic polling (col. 1, lines 12-15).

In contrast, the Ward et al. reference is specifically directed to a joint monitor for

controlling and facilitating a rehabilitation process through two-way remote communication with a medical facility (col. 1, lines 4-8). In particular the Ward et al. reference is directed to a joint monitor which is easily re-adjustable for motion precaution and alarming purposes and further capable of high accuracy measure of motion of various body joints (col. 3, lines 2-5).

Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify the interactive television system disclosed by the Harada et al. reference based upon the joint monitor disclosed in the Ward et al. reference because the Harada et al. reference has absolutely nothing to do with joint monitors, let alone joint monitors which require two-way communication with a medical facility. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references. Rather, the Examiner merely states that it would have been obvious “in order to make the interaction between the user instrument and the server machine more flexible and practically bi-directional.” However, this allegation simply ignores the fact that the interactive television system is already bi-directional and flexible. Therefore, one of ordinary skill in the art would not have been motivated to modify the interactive television system disclosed by the Harada et al. reference based upon the joint monitor system disclosed in the Ward et al. reference.

Moreover, even assuming arguendo that one of ordinary skill in the art would have been motivated to modify the interactive television system disclosed by the Harada et al. reference

based upon the disclosure of the joint monitor of the Ward et al. reference, Applicant submits that one of ordinary skill in the art would not have further modified the alleged combination based upon the Derzay et al. reference. Indeed, the references are directed to completely different matters and problems.

In contrast, the Derzay et al. reference is specifically directed to a medical diagnostic system management method and apparatus. In particular, the Derzay et al. reference is directed to a technique for providing remote service to medical diagnostic systems via a centralized service facility (Abstract). Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify the interactive television system disclosed in the Harada et al. reference or the joint monitor disclosed in the Ward et al. reference based upon a system for providing service from a central facility to remote medical diagnostic systems. Neither of the interactive television system disclosed in the Harada et al. reference, nor the joint monitor disclosed by the Ward et al. reference are related to a system for providing service from a central facility to remote medical diagnostic systems. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references. The Examiner states that “it would have been obvious to include the teachings of the Derzay on-site service” (emphasis added). However, contrary to the allegations of the Examiner, the Derzay et al. reference is specifically directed to providing remote service and obviating the need for on-

site service. Therefore, the Examiner's alleged motivation is completely non-existent and even contrary to the teaching of the applied references.

Moreover, the Derzay et al. reference, like the Harada et al. reference and the Ward et al. reference, does not teach or suggest judging whether measured data is simple based upon a predetermined standard as recited by independent claims 1 and 5 from which claims 3-4 and 6-7 depend. Clearly, these novel features are not taught or suggested by the Derzay et al. reference. Indeed, the Derzay et al. reference is completely unrelated to the claimed invention.

Therefore, the Examiner is respectfully requested to withdraw this rejection of claims 3-4 and 6-7.

### **III. FORMAL MATTERS AND CONCLUSION**

Applicant notes that the Examiner failed to acknowledge receipt of the priority document which was submitted on June 4, 2001. Applicant respectfully requests that the Examiner acknowledge receipt of the priority document in the next Patent Office paper.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-18, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 09/871,994  
Docket No. WN-2326

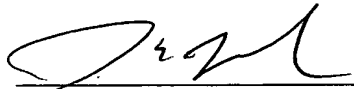
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

1/23/23



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**Please amend claims 1 -7 as follows:**

*Rule 1.126  
XS 03/21/03* 8.1. (Amended) A method of analyzing data in a center, wherein said data is obtained from an instrument measuring an object in a user system and sent through a communication network to the center, comprising [the steps of]:

accessing directly through said communication network to said center from said instrument;

sending [said] measured data together with a required information from said instrument to said center;

judging whether said measured data is simple based upon a predetermined standard;

analyzing said measured data in said center to generate an analysis result if said measured data is simple; and

sending [back an] said analysis result from said center to said user system.

9.2. (Amended) A method for analyzing data in a center according to claim 1, wherein said communication network [is] comprises an Internet [INTERNET] and said center comprises [has] a homepage on the Internet [INTERNET], further comprising [the steps of]:

accessing and opening the homepage from [said] a user system [at a request for the analysis of the measured data];

inputting data into the required items shown on the homepage [in said user]; and

sending the input data from said user system to said center.

~~10.3.~~ (Amended) A method for analyzing data in a center according to claim 1, [wherein said center stations at least one center staff of professional,] wherein said analyzing comprises automatic analysis according to reference data stored previously, the method further comprising [the steps of]:

[analyzing the measured data automatically according to reference data stored previously; and further]

asking a [the] center staff to come if said automatic analysis is not performed [for impossibility of the automatic analysis, wherein the center staff analyzes the measured data].

~~11.4.~~ (Amended) A method for analyzing data in a center according to claim 3, [wherein] further comprising:

providing access for said center staff [accesses] to said instrument;

receiving setting data from said center staff;

transmitting said [controls said instrument by] setting data for measuring to said instrument [sent] from said center[,]; and

receiving [said center receives] measured data from said instrument for analyzing [again] in said center.

~~12.5.~~ (Amended) A system for analyzing data in a center, [wherein said data is obtained from

an instrument measuring an object in a user system and sent through a communication network to said center,] comprising:

an instrument for measuring an object in a user system to obtain measured data;  
a center in direct communication with said instrument via a [said instrument further directly connecting to said] communication network; and

a terminal in communication with said center, [accessing said center through said communication network,] wherein said instrument is adapted to send [sending] the measured data to said center in response to a request from said terminal, and, further adapted to measure again in response to [in case of] receiving setting data from said center, [measuring the object] and sending the measured data again, and wherein said terminal is adapted to receive an [receiving] analysis result from said center; and

wherein said center analyzes [analyzing] the measured data received from said instrument, judges whether said measured data is simple based upon a predetermined standard, sends [sending] back a setting data to said instrument if said measured data is not simple [in case of impossibility of analysis for the measured data], and sends [sending] an analysis result to said terminal [user].

13.6. (Amended) A system for analyzing data in a center according to claim 5, said center comprising:

an administration center in communication with [accessing] said [user] instrument through said communication network, and which receives [receiving] and sends [sending] data through said communication network; and

a measured-data process center comprising:



a data storage that stores [storing] previously referenced [reference] data for analysis of the measured data;

an analyzer that receives [receiving] the measured data through said administration center, analyzes [analyzing] the measured data according to the reference data, and sends [sending] an analysis result to said [user] terminal through said administration center.

14.7. (Amended) A system for analyzing data in a center according to claim 6, [wherein said center stations a center staff of a professional,] wherein said measured-data [measured-date] process center further comprises [comprising]:

a user-access portion that generates a notice if said analyzer cannot analyze the measured data according to the reference data [informing said center staff of the measured data in case of impossibility of the analysis,] and provides access to [then accessing] said instrument for a center staff to enable control of, [controlling] said instrument, and that receives [receiving] measured data again [by operation of the center staff].

**Please add new claims 8 - 18 as follows:**

- - 8. (Newly Added) The method of claim 1, wherein said instrument, said object, and said terminal comprise a user system. - -

- - 9. (Newly Added) The method of claim 1, further comprising sending a request for measurement of said object by said instrument from a terminal in said user system directly to said instrument. - -

- - 10. (Newly Added) The method of claim 5, wherein said instrument, said object, and said terminal comprise a user system. - -

- - 11. (Newly Added) The method of claim 5, wherein said instrument and terminal are in direct communication. - -

- - 12. (Newly Added) A system for analyzing data from an instrument, comprising:

a user system comprising:

a measuring instrument adapted to measure an object; and

a terminal unit in direct communication with said measuring unit; and

an analyzing center in direct communication with said measuring instrument to receive measured data, wherein said analyzing center determines whether said measured data is simple based upon a predetermined standard and automatically analyzes said measured data received in response to a request from said terminal unit if said measured data is simple. - -

- - 13. (Newly Added) The system of claim 12, wherein said user system further comprises said object. - -

- - 14. (Newly Added) The system of claim 12, wherein said analyzing center comprises:

an administration center in direct communication with said measuring instrument; and

a measured-data process center in communication with said administration center. - -

- - 15. (Newly Added) The system of claim 14, wherein said measured-data process center comprises a user-access portion. - -

- - 16. (Newly Added) The system of claim 15, wherein said measured-data process center performs said analysis and wherein said user-access portion notifies a center staff if said measured-data process center does not perform said analysis. - -

- - 17. (Newly Added) The system of claim 16, wherein said user-access portion is adapted to receive setting data from said center staff and to transmit said setting data to said measuring instrument.- -

- - 18. (Newly Added) A method of analyzing data, comprising:

determining if a direct communication link between a measuring instrument and an analyzing center is established;

transmitting measurement data from said measuring instrument to said analyzing center if said direct communication link with said analyzing center is established;

transmitting measurement data from said measuring instrument directly to a terminal unit and transmitting said measurement data directly from said terminal unit to said analyzing center if said direct communication link between said measuring instrument and said analyzing center is not established, wherein said measuring instrument and said terminal unit comprise a user system. - -